



*Building bridges between
criminal justice & behavioral health
to prevent incarceration*

21st Century Cures Act

In December of 2016 Congress passed and President Obama signed a \$6 billion public health and medical research bill, called the 21st Century Cures Act. The act includes a variety of health initiatives, from authorizing money to fight the nation's opioid crisis to support for expanded mental health services and efforts to decrease the incarceration of individuals with behavioral health issues. The Act with strong bipartisan support represents solid progressive policy regarding the need to address co-occurring substance use and mental health disorders, particularly to prevent incarceration. Some of the major elements of the act pertaining to the intersection of criminal justice and behavioral health systems are outlined below.

Medicaid Coverage and Delivery and Administrative Changes:

- The Department of Health and Human Services (HHS) must provide states with an opportunity to design innovative delivery systems for adults and children with mental illness.
- HHS will establish an assistant secretary position for mental health and substance abuse, evaluating these issues within the agency through a strategic plan and other actions to identify and disseminate best practices.
- HHS will establish a telephone hotline and website to help families find mental health and substance use services.

Mental Health Parity and Protected Health Information (PHI):

- HHS inspector general will issue guidance to improve compliance with mental health and substance abuse treatment parity requirements.
- HHS will create an action plan for enforcement of parity with stakeholder input.
- HHS to issue guidance clarifying when a healthcare provider or other entity can share PHI to caregivers and family members under the Health Insurance Portability and Accountability Act (HIPAA) and create a training program to support practice adoption.

Mental Health Authorizations:

- Reauthorize SAMHSA's Substance Abuse Prevention and treatment Block Grant and the Community Mental Health Services Block Grant Program through 2022.
- Funding would address a variety of regional and local needed including the following of interest to COMIO:
 - \$64.6 million for homeless transition assistance grants and \$41.3 million for grants to provide treatment and recovery services for the homeless,
 - \$14.7 million for mental health awareness grants for training for law enforcement,
 - \$12.7 million to increase knowledge of mental health and substance use disorders and treatment for diverse racial and ethnic communities,
 - \$12.5 million to establish a database providing real-time information regarding available hospital beds, and
 - \$4.3 million for jail diversion program grants.

Criminal Justice and Mental Health – Enacts the Comprehensive Justice and Mental Health Act (CJMHA) and Reauthorizes the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA):

- Reauthorizes MIOTCRA for 4 years at \$50 million per year, updating the legislation to provide new commitments to training first responders and gives additional resources for veterans' courts to help those with behavioral or post-traumatic stress disorders.
- Amends MIOTCRA, the federal Drug Court Grant Program, the Residential Substance Abuse Treatment Grant Program, and the Prosecution Drug Treatment Alternatives to Incarceration Program to allow and expand treatment and court diversion for people who have co-occurring mental health and substance use disorders.
- Requires the attorney general to create a Drug and Mental Health Court pilot program in at least one federal judicial district, following the model used in many state and local jurisdictions, including California.
- Authorizes funding for prison and jail-based programs, including reentry programs that aim to reduce the likelihood of recidivism when a person with a mental illness is released.
- Allows Second Chance Act funds to be used for mental health treatment and transitional services, such as housing assistance, for people returning home after prison or jail.
- Supports expanded training efforts through the Byrne Justice Assistance Grants and Community Oriented Policing Services Grant Program (COPS). New provisions allow specialized training for first responders and paramedics responding to mental health emergencies, including on crisis de-escalation training and other training requirements for federal agencies.
- Creates the National Criminal Justice and Mental Health Training Center under the attorney general to identify best practices and provide technical assistance to government agencies implementing these practices.
- Targets people with mental illnesses who are high utilizers of crisis response services, ensuring that all grant resources are spent on policies and programs that are proven effective, requiring the U.S. Department of Justice (DOJ) to prioritize grant awards to applicants who use evidence-based interventions and risk assessment tools to help reduce recidivism
- Requires a new report by the U.S. Government Accountability Office on what practices federal first responders, tactical units, and corrections officers are trained to use, what procedures are used to appropriately respond to interactions with people with mental illnesses, the application of evidence-based practices in criminal justice settings, and recommendations on how DOJ can improve information-sharing and dissemination of best practices.

For more information and analysis visit:

The Council on State Government - Justice Center at <https://csgjusticecenter.org/jc/five-things-to-know-about-the-21st-century-cures-act/>

The National Association of County Behavioral Health and Development Directors: <http://www.nacbhd.org/Home.aspx>

We appreciate all of the work both organizations do to keep COMIO informed on federal policy.